

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

HENRY ERIC ROUTON,

Plaintiff,

v.

CASE NO. 1:23cv224

DR. HARRIS *et al.*,

Defendants.

**DEFENDANT’S RULE 26(a)(3) TRIAL DISCLOSURES**

Pursuant to Rule 26(a)(3) of the *Federal Rules of Civil Procedure*, Defendants hereby identify the following witnesses and exhibits for presentation at trial:

**I. WITNESSES**

In accordance with Rule 26(a)(3)(A)(i), Defendants designate the following witnesses whose testimony they expect to present at trial:

1. Defendant Mark Amonette. Defendant Amonette will testify in his own defense, and that testimony will encompass the adoption and implementation of VDOC’s Hepatitis C treatment guidelines over time, as well as his lack of knowledge as to this Plaintiff and his medical condition.
2. Defendant Steve Herrick. Defendant Herrick will testify in his own defense, and that testimony will include a discussion of the role he has played—if any—in the adoption and implementation of VDOC’s Hepatitis C treatment guidelines over time, as well as his lack of knowledge as to this Plaintiff and his medical condition.
3. Defendant Joseph Walters. Defendant Walters will testify in his own defense, and that testimony will include a discussion of the role he has played—if any—in the

adoption and implementation of VDOC's Hepatitis C treatment guidelines over time, as well as his lack of knowledge as to this Plaintiff and his medical condition.

4. Defendant Jeffrey Dillman. Defendant Dillman will testify in his own defense, and that testimony will include a discussion of the role he has played—if any—in the adoption and implementation of VDOC's Hepatitis C treatment guidelines over time, and he will address the Level II Grievance response that he signed in response to the grievance appeal submitted by the Plaintiff.
5. Defendant Dr. Alvin Harris. Defendant Harris is expected to testify as to his own treatment and management of the Plaintiff following his initial positive test in June 2019.
6. Dr. Richard Sterling, VCU. Dr. Sterling is expected to testify regarding the Memorandum of Agreement with the Virginia Department of Corrections for treatment of hepatitis C positive offenders in the custody of the Department of Corrections and the establishment and operation of the Hepatitis C Telemedicine Clinic at VCU Medical Center. Further, Dr. Sterling is expected to testify regarding his involvement in the drafting of the Virginia Department of Corrections' Guidelines for treatment of Hepatitis C.
7. Dr. Chad Zawitz. Dr. Zawitz is expected to testify consistently with his expert report, as provided through the Defendants' Rule 26(a)(2) disclosures.

In accordance with Rule 26(a)(3)(A)(i), Defendants designate the following potential witnesses, whose testimony may be presented if the need arises:

1. Dr. Paul Targonski, Chief Medical Officer, VDOC. Dr. Targonski may testify as to the current VDOC policies and protocols regarding treatment of inmates who have tested positive for Hepatitis C.
2. Dr. Trey Fuller, VDOC Assistant Director of Health Services. Dr. Fuller may provide testimony regarding the development and implementation of VDOC's Hepatitis C treatment guidelines, including pharmacy and medication related issues.
3. Jamie Smith, PharmD, VDOC. Dr. Smith may provide testimony as to her role in implementing treatment for inmates with Hepatitis C, particularly following the revision of the Hepatitis C guidelines in December 2020.
4. Charles Halloran, VDOC. Mr. Halloran is a former mental health professional at Deerfield Correctional Center with knowledge of the Plaintiff's interactions with mental health staff members at that facility during his 2019-2020 incarceration (*see, e.g.*, VDOC000048), and he may testify, based on his personal knowledge and the relevant mental health records, as to the Plaintiff's mental status at that time.
5. Dena West, VDOC. Ms. West is a mental health professional at Deerfield Correctional Center with knowledge of the Plaintiff's interactions with mental health staff members at that facility during his 2019-2020 incarceration, including herself. She may testify, based on her personal knowledge and the relevant mental health records, as to the Plaintiff's mental status at that time.
6. Any and all witnesses identified and/or called by the Plaintiff or co-defendant Harris to which the Defendants have no objection.

7. Impeachment and rebuttal witnesses as necessary.
8. Custodians of records to authenticate documents if necessary (absent agreement regarding authentication of records by counsel).

Defendants reserve the right to supplement or amend these designations pending trial, including the right to withdraw any designated individual from the list of potential witnesses. These disclosures do not include witnesses whose testimony would be presented solely for rebuttal or impeachment. Defendants reserve the right to call any witness whose testimony would be required to identify or authenticate any document, item, or exhibit. Defendants further reserve the right to call as a witness any individual designated by the Plaintiff as a witness or potential witness to this trial.

## **II. DEPOSITIONS**

In accordance with Rule 26(a)(3)(A)(ii), Defendants state that they do not intend to present direct witness testimony in the form of a deposition or deposition transcript. Defendants fully reserve the right to utilize deposition transcripts for impeachment, to refresh the recollection of a witness, and all other permissible evidentiary uses at trial.

## **III. EXHIBITS**

Pursuant to Rule 26(a)(3)(A)(iii), Defendants designate the following materials as exhibits they expect to offer at trial:

1. Plaintiff's VDOC Medical Records (VDOC000001-000355), to specifically include but not necessarily be limited to:
  - a. Consent for release of Information, VDOC000018
  - b. Refusal to Consent, VDOC000031

- c. Mental Health Summary Release, VDOC000088-000091
- d. Mental Health Appraisal, VDOC000096-000101
- e. Medical Classification, VDOC000110
- f. Lab Results, VDOC000120-121
- g. Lab Results, VDOC000130
- h. Fibroscan, VDOC000131
- i. Lab Results, VDOC000133
- j. Lab Results, VDOC000134-000136
- k. Medical Problem Sheet, VDOC000137
- l. Chronic Disease Follow-Up, VDOC000141-000142
- m. Chronic Disease Follow-Up, VDOC000143-000144
- n. Chronic Disease Clinic Baseline, VDOC000145-000149
- o. Chronic Disease Flowsheet, VDOC000151
- p. HepC Referral Sheet, VDOC000155, with attached records (VDOC000156-000160)
- q. Fax Confirmation Sheet, VDOC000161
- r. Health Services Complaint and Treatment Forms, VDOC000186-000187, VDOC000193, VDOC000195, VDOC000206
- s. Intra-System Medical Transfer, VDOC000203
- t. Practitioner Receiving Orders, VDOC000207
- u. Nursing Receiving Screening, VDOC000208
- v. Preliminary Medical Screening, VDOC000209
- w. HepC Treatment Worksheet, VDOC000268

- x. HepC Treatment Consent, VDOC000269
  - y. Fibroscan, VDOC000270
  - z. Lab results, VDOC000275-000277
  - aa. Lab results, VDOC000280-000283
  - bb. HepC Telemedicine Treatment Schedule, VDOC000305
  - cc. HepC Evaluation, VDOC000306
  - dd. Health Services Complaint and Treatment Form, VDOC000335
- 2. LabCorp HepC Test Result, 10/02/2024 (unnumbered production from Plaintiff)
  - 3. Curriculum Vitae of Dr. Chad Zawitz
  - 4. Expert Report of Dr. Chad Zawitz
  - 5. VDOC April 2019 Hepatitis C Guidelines (VDOC000472-000492)
  - 6. VDOC January 2020 Hepatitis C Guidelines (VDOC000492-000513)
  - 7. VDOC December 2020 Hepatitis C Guidelines (VDOC000514-000534)
  - 8. VDOC May 2021 Hepatitis C Guidelines (VDOC000535-000555)
  - 9. Plaintiff's Responses to VDOC Defendants' First Set of Interrogatories, #14, #15, and #16
  - 10. Plaintiff's Responses to VDOC Defendants' First Set of Requests for Admissions, #1, #2, #3, #4, #6, #9, #10, #12, #15
  - 11. All documents identified and marked as exhibits to any deposition taken in this matter
  - 12. Any documents needed for impeachment, rebuttal, to refresh the recollection of a testifying witness, or for any other permissible trial purpose

Defendants further designate the following materials as exhibits they may offer at trial if the need arises:

1. Any documents identified by Plaintiff or Co-Defendant Harris to which Defendants have no objection.

Defendants reserve the right to supplement or amend these designations pending trial, including the right to withdraw any designated item from the list of potential exhibits. These disclosures do not include exhibits that would be presented solely for purposes of rebuttal, rehabilitation, or impeachment (including impeachment by prior inconsistent statement), or to refresh the recollection of a witness pursuant to the *Federal Rules of Evidence*. Defendants reserve the right to utilize demonstrative exhibits, such as photographs, diagrams, and illustrations. Defendants further reserve the right to introduce any item designated by the Plaintiff as an exhibit or potential exhibit for this trial.

Respectfully submitted,

MARK AMONETTE, JEFFREY DILLMAN,  
JOSEPH WALTERS, and STEVE HERRICK,  
Defendants.

By:                     /s/                      
Margaret Hoehl O'Shea, SAAG, VSB #66611  
Attorney for Defendants  
Criminal Justice & Public Safety Division  
Office of the Attorney General  
202 N. 9th Street  
Richmond, Virginia 23219  
(804) 225-2206  
(804) 786-4239 (Fax)  
Email: [moshea@oag.state.va.us](mailto:moshea@oag.state.va.us)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of October, 2024, I electronically filed the foregoing Defendant's Rule 26(a)(3) Trial Disclosures with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all filing users, and I hereby certify that I have mailed by United States Postal Service the documents to the following non-CM/ECF participants: N/A

/s/

Margaret Hoehl O'Shea, SAAG, VSB #66611  
Attorney for named Defendants  
Criminal Justice & Public Safety Division  
Office of the Attorney General  
202 North 9<sup>th</sup> Street  
Richmond, Virginia 23219  
(804) 225-2206  
(804) 786-4239 (Fax)  
Email: [moshea@oag.state.va.us](mailto:moshea@oag.state.va.us)